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09/544,523	04/06/2000	MIKEL A. LEHRMAN	ML-1	7812

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EXAMINER	
TRAN, NHAN T	

ART UNIT	PAPER NUMBER
2622	

DATE MAILED: 05/10/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/544,523	LEHRMAN, MIKEL A.	
	Examiner	Art Unit	
	Nhan T. Tran	2622	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *13 April 2006*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-28 and 30-38* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-28 and 30-38* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 4/13/2006 has been entered.

Response to Arguments

2. Applicant's arguments with respect to claims 1-28 and 30-38 have been considered but are moot in view of the new ground(s) of rejection.

In addition to new ground(s) of rejection, the Examiner would like to address the Applicant's arguments with respect to claims 11, 13-18 (pages 17-18 of remarks), claims 33-35 & 36-38 (pages 20-21 of remarks) in which the Applicant asserts: (i) Freeman does not show or suggest displaying a permanent image, and text is not an image; (ii) Freeman does not show or suggest a user's inability to load additional images.

In response, the Examiner respectfully clarifies:

(i) "a permanent image" is not necessarily an image being stored in the card forever or for many years. It is considered as an image which is stored in the card for

as long as the user decides to keep it. As disclosed by Freeman in col. 3, lines 45-65, the information stored in the card includes text and images (e.g., JPEG, GIFF images) which can be displayed on the display (14) of the card. Furthermore, Freeman clearly discloses that the stored images can be protected from overwriting (e.g., in a protect mode) so that the user can keep the images for as long as he/she desires (see Freeman, col. 5, lines 35-43). Thus, Freeman does disclose displaying a permanent image.

(ii) As seen from both unprotect mode and protect mode taught by Freeman in Figs. 3-5A & 6A-6B, col. 4, lines 17 – col. 5, line 52, overwriting or adding images into the memory of the card is not done by the user. In fact, **the card issuer** by means of network computer (42) is the only one that has ability to add images into the card. It appears that the user does not have any ability to add additional images into the card nor do anything to modify the images by his/her own computer. At best, the user can only keep the already stored images of interest by setting the card into the protect mode. Therefore, Freeman also meets the claimed feature of a user's inability to load additional images.

Claim Objections

3. Claim 10 is objected to because of the recitation of "**the** a FLASH card connector" which should be corrected as -- a FLASH card connector --. Appropriate correction is required.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1, 4, 6-8, 11, 19, 22, 25 & 33-38 are rejected under 35 U.S.C. 102(e) as being anticipated by Freeman et al. (US 6,068,183).

Regarding claim 1, Freeman discloses a portable electronic photo album (see Figs. 1A-2; col. 3, lines 45-65, wherein photos are images or graphics in form of JPEG or GIFF format) comprising:

a housing structure (Figs. 1A-1C) that fits within a pocket-sized wallet (col. 6, lines 59-65);

an electronic display (14a, 14b), located within the housing, capable of displaying digital images (col. 3, lines 1-17, 45-65, wherein JPEG or GIFF images are digital images);

memory (Fig. 2), located within the housing, that stores one or more digital images (col. 3, lines 45-65);

dedicated processing circuitry (microprocessor 16), located within the housing and being coupled to the memory and the display, the processing circuitry being

substantially dedicated to displaying on the electronic display the one or more digital images stored in the memory (see Figs. 1A-2 and col. 3, lines 32-39);

a speaker, located within the housing, for playing sound (col. 3, lines 26-31).

Regarding claim 4, Freeman also discloses that the housing includes at last one user input device for advancing which digital image is displayed on the electronic display (see col. 4, lines 10-16).

Regarding claims 6 & 7, it is clear that the display is a flexible liquid crystal display (a flexible LCD). See col. 3, lines 1-5 and col. 6, lines 25-31.

Regarding claim 8, Freeman further discloses an electrical connector mounted to the housing, and wherein the digital images are loaded into memory via a cable connected (via a chip card reader) to the connector (see Fig. 3, 5A, 5B; col. 4, lines 17-20 and col. 5, lines 29-35).

Regarding claim 11, see the analysis of claim 1 for the same limitations. Furthermore, Freeman discloses at least one permanent digital image that is permanently stored in said memory, wherein said at least one permanent digital image is operable of being displayed on said electronic display (see Figs. 3-5A & 6A-6B, col. 4, lines 17 – col. 5, line 52, and note the Examiner's response in section 2 above for "permanent digital image");

means (database 44) for capturing the one or more digital images; and a computer (42) that receives the captured images and sends the images to the portable photo album for storage in the memory (see Figs. 3-5B; col. 4, line 40 – col. 5, line 35).

Regarding claim 19, see the analysis of claim 1 for the same limitations. It is noted that the display is a flexible LCD (see col. 6, lines 25-30, 59-65) and the memory stores a plurality of images (col. 3, lines 56-61).

Regarding claim 22, see the analysis of corresponding apparatus claim 1 for this method claim.

Regarding claim 25, Freeman discloses that storing is accomplished by inputting the one or more digital images via a conventional interface cable (see Figs. 3, 5A, 5B and col. 4, lines 18-20).

Regarding claims 33 & 34, see the analysis of claim 1 for the same limitations. Also, Freeman discloses that at least one preloaded digital image is permanently stored in said memory, wherein a user does not have the ability to load additional digital images in said memory (see the Examiner's response in section 2 above).

Regarding claim 35, see the analysis of claim 7.

Regarding claim 36, see the analyses of claims 1, 19 and 33.

Regarding claim 37, it is also seen from Figs. 1A-1C that the card has a substantial hard housing structure to contain the display, speaker and microprocessor (col. 2, lines 53 – col. 3, lines 38).

Regarding claim 38, Freeman discloses that video clips (sequence of images or animation) are stored on said memory and a playable by said dedicated processing circuitry to be displayed on said electronic display (col. 3, lines 55-65).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

5. Claims 2, 3, 20, 21, 23 & 24 are rejected under 35 U.S.C. 103(a) as being Freeman et al. (US 6,086,183) in view of Rowland (US 5,801,970).

Regarding claims 2 & 3, Freeman teaches a microprocessor (16) as a dedicated processing circuitry (col. 3, lines 32-39). Freeman does not explicitly teach an ASIC or PLD circuitry. However, Rowland teaches that it is well known to implement a

processing circuitry in form of a microprocessor, ASIC or PLD circuitry (see Rowland, col. 4, lines 49-51).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to use an alternative and equivalent circuitry such as an ASIC or PLD in place of the microprocessor of Freeman for low cost and low complexity without departing from the scope of the invention.

Regarding claims 20, 21, 23 & 24, see the analysis of claims 2 & 3.

6. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Freeman et al. (US 6,086,183) in view of Eisele et al (US 6,089,459).

Regarding claim 5, Freeman does not teach that the electronic display displays at least one user input location for advancing which digital image is displayed on the electronic display. Eisele suggests optional touch screen functions on a display of a portable electronic device for controlling or manipulating data of the device (see Eisele, col. 8, lines 57-64). This would provide user-friendly interface for inputting commands.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to configure Freeman's chip card with a touch screen display for inputting commands to advance digital image on the electronic display in a user-friendly fashion.

7. Claims 9, 10, 12, 13-16 & 26-28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Freeman et al. (US 6,086,183) in view of Hornback (PCT WO 99/56463).

Regarding claims 13-16, Freeman discloses the means for capturing image is the database of the computer (see claim 11). Freeman does not teach that means for capturing image is a digital still camera, a scanner, a CD Rom or a floppy disk. Hornback teaches in **Fig. 7A** that a computer can capture images using a digital still camera, a scanner, a CD Rom (located inside another computer), or a floppy disk (located inside another computer) which includes digital images via a communication link (see page 11, line 22 – col. 12, line 4).

Therefore, it would have been obvious to one of ordinary skill in the art to capture images for storing onto a computer database using one or more image capturing devices such as a digital still camera, a scanner, a CD Rom or a floppy disk, which includes digital images. Such configuration would enable the photo album system to be capable of using a diversity of image capturing devices available on the market, thereby improving user convenience.

Regarding claim 26, Freeman does not disclose that the conventional cable is an interface cable that also may be connected to a digital camera. However, Hornback teaches conventional interface cables (i.e., USB, FireWire/IEEE1394 cables) which are widely used for high-speed data communication between digital devices including a

computer, a portable electronic photo album, a digital camera, etc. (see Hornback, page 7, lines 11-28 and page 11, lines 22-28).

Therefore, it would have been obvious to one of ordinary skill in the art to use one of the conventional cable interfaces such as USB or Firewire/IEE1394 for transferring digital images between a computer, a portable electronic photo album and a digital camera. The use of USB or Firewire/IEEE1394 interface would be advantageous in that each of them offers universal and high-speed interface commonly used in digital communication.

Regarding claims 9 & 27, Although Freeman teaches that storing images is accomplished by inputting one or more digital images via a wire or wireless I/O port (Freeman, col. 4, lines 18-20), Freeman is silent about the wireless I/O port is an infrared I/O port. It is well recognized in the art that wireless communication among electronic devices can be implemented with an infrared I/O port as suggested by Hornback in page 7, lines 19-25.

Therefore, it would have been obvious to one of ordinary skill in the art to use an infrared I/O port for data transfer and communication between the photo album and an external device so as to eliminate wires or cables to further improve mobility and user convenience.

Regarding claims 10 & 28, Freeman does not explicitly disclose a FLASH connector for loading digital images into the memory via a FLASH card connector to the

FLASH memory connector. Such lack of teaching is compensated by Hornback. Hornback teaches that a portable electronic photo album or a memory card contains a FLASH memory (e.g., FLASH RAM) having FLASH memory connector in form of FLASH card connector for transferring image data (Hornback, page 7, lines 11-16).

Therefore, it would have been obvious to one of ordinary skill in the art to configure the photo album in Freeman to use a FLASH memory as a nonvolatile memory such that digital images would be loaded into the memory via a FLASH card connector in an alternative configuration which would be desirable to meet high demand of using FLASH memory in electronic devices for its reliability and compact size.

Regarding claim 12, see the analysis of claim 26, wherein the common interface cable is USB or Firewire/IEEE1394 cable.

8. Claims 30 & 32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Freeman et al. (US 6,086,183) in view of Ray et al. (US 5,321,751).

Regarding claim 30, Freeman discloses a portable electronic photo album (see Figs. 1A & 1B; col. 3, lines 45-65, wherein photos are images or graphics in form of JPEG or GIFF format) comprising:

a structure that fits within a pocket-sized wallet (Figs. 1A & 1B; col. 6, lines 59-65);

a magnetic strip (24; Fig. 1B) located on the structure that includes card information, wherein the magnetic strip is operable to be swiped through a card reader (34; see Figs. 3 & 7 and col. 2, lines 60-61);

an electronic display (14a, 14b), located on the structure, capable of displaying digital images (col. 3, lines 1-17, 45-65, wherein JPEG or GIFF images are digital images);

a memory card (the card itself containing a memory/microprocessor 16), coupled to the structure and mateable with the structure, that stores one or more digital images (col. 3, lines 45-65);

dedicated processing circuitry (microprocessor 16), coupled to the structure and being coupled to the display and to the memory card when the memory card is mated to the structure (i.e., during manufacture of the photo album card), the processing circuitry being substantially dedicated to displaying on the electronic display the one or more digital images stored in the memory card. See col. 3, lines 32-65.

Freeman fails to disclose that the magnetic strip includes credit card information, wherein the magnetic strip is operable to be swiped through a credit card reader. As taught by Ray, a credit card (10) has a magnetic strip as shown in Fig. 1. The credit card can include a storage for storing both credit card information and a digital image of card owner so that digital picture of the owner can be securely verified. See Ray, abstract, col. 1, lines 5-12 and col. 4, lines 8-26.

Therefore, it would have been obvious to one of ordinary skill in the art to combine the teachings of Freeman and Ray to arrive at the Applicant's claimed

invention for storing both credit card information and a digital image of card owner so that the credit card would be not only used as a personal electronic photo album but also used for validating the card in a secured manner.

Regarding claim 32, as disclosed by Freeman in col. 3, lines 1-17, 45-65 that the processing circuitry displays image on the electronic display directly from image data stored on the memory card.

9. Claim 31 is rejected under 35 U.S.C. 103(a) as being unpatentable over Freeman et al. and Ray et al. as applied to claim 30 and in further view of Watanabe et al. (US 4,887,161).

Regarding claim 31, Freeman and Ray do not teach display memory, wherein the processing circuitry acting to swap image data from the memory card into the display memory for display on electronic display. However, Watanabe teaches a portable electronic photo album (20; Figs. 1 & 7) that includes a display memory (24A; Fig. 7) for buffering image data transferred from main memory (22) before displaying on a display (24) under control of processing circuitry (CPU 21). See Watanabe, col. 5, lines 39-51 and col. 3, lines 26-33.

Therefore, it would have been obvious to one of ordinary skill in the art to quickly recognize that display memory would be necessary for buffering image data transferred

from main memory in the portable photo album utilizing a microprocessor in order for the image data to be processed and displayed properly over a period of time.

10. Claims 17 & 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Freeman et al. (US 6,086,183).

Regarding claim 17, although Freeman does not explicitly disclose that the computer includes application software for manipulating the captured digital images, Freeman clearly suggests that the computer (42; Fig. 3) offers sophisticated analysis software (Freeman, col. 4, lines 40-47).

Therefore, it would have been obvious to one ordinary skill in the art to include application software for manipulating the captured digital images to make them suitable to a low-resolution display unit of the photo album.

Regarding claim 18, Freeman is silent about the computer (42) including a monitor, and the application software including the ability to display on the monitor the one or more digital images exactly as they appear when displayed on the electronic display of the portable photo album. However, an Official Notice is taken that it is well known in the art to include a computer monitor for displaying the same image(s) as displayed by an external electronic device coupled to the computer so as to enable to an operator to view and/or edit the images using a more powerful processor of the computer in comparison to the processor of the electronic device.

Therefore, it would have been obvious to one of ordinary skill in the art to provide a computer monitor for displaying the same image(s) as displayed by the portable photo album so that the operator would be able to view and/or edit the images utilizing a fast processor of the computer for processing efficiency.

Conclusion

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nhan T. Tran whose telephone number is (571) 272-7371. The examiner can normally be reached on Monday - Thursday, 7:30am - 5:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Ometz can be reached on (571) 272-7593. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

NT.

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